

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION
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UNITED STATES OF AMERICA,

Plaintiff,

No. 1:20-CR-69-2

v.

Hon. Paul L. Maloney
United States District Judge

CARLOS MARTINEZ,

Defendant.

PRELIMINARY ORDER OF FORFEITURE

WHEREAS, on August 24, 2020, Defendant Carlos Martinez pleaded guilty to Count 1 of the Superseding Indictment, which charges him with conspiracy to distribute and possess with intent to distribute 50 grams or more of methamphetamine, 100 grams or more heroin, 500 grams or more of cocaine, and Buprenorphine (suboxone), in violation of 21 U.S.C. §§ 846 and 841(a)(1), (b)(1)(A)(viii), (b)(1)(B)(i), (b)(1)(B)(ii) and (b)(1)(E)(i).

WHEREAS, pursuant to his guilty plea and plea agreement, Defendant has consented to the forfeiture of his interest in the following property, listed in the Forfeiture Allegation of the Superseding Indictment: \$2,421.00 in U.S. currency (hereinafter the “Subject Property”).

Defendant admitted in his plea agreement that the Subject Property is illegal proceeds or facilitating property of his drug trafficking offense of conviction, as charged in Count 1 of the Superseding Indictment. (R.111, PageID.393-394.)

WHEREAS, based on the guilty plea and plea agreement this Court finds that the Subject Property constitutes proceeds obtained directly or indirectly as a result of the offense of conviction, or property used or intended to be used to facilitate the commission of the offense of conviction, in violation 21 U.S.C. §§ 846 and 841(a)(1), (b)(1)(A)(viii), (b)(1)(B)(i), (b)(1)(B)(ii) and (b)(1)(E)(i); and

WHEREAS, this Court finds that Defendant had an interest in the Subject Property, and that the Government has established the requisite nexus between the same and the violation 21 U.S.C. §§ 846 and 841(a)(1), (b)(1)(A)(viii), (b)(1)(B)(i), (b)(1)(B)(ii) and (b)(1)(E)(i).

IT IS HEREBY ORDERED that pursuant 21 U.S.C. 853, the Subject Property is hereby forfeited to the United States of America.

IT IS FURTHER ORDERED that the Drug Enforcement Administration and/or its designee seize the Subject Property and dispose of the same in accordance with applicable law and regulations.

IT IS FURTHER ORDERED that notice of this forfeiture shall be published in accordance with 21 U.S.C. § 853(n)(1).

IT IS FURTHER ORDERED that any third party wishing to assert an interest in the Subject Property must petition the Court in accordance with 21 U.S.C. § 853(n)(2) and (3).

IT IS FURTHER ORDERED that pursuant to Fed. R. Crim. P. 32.2(b)(4)(B), this Order of Forfeiture shall become final as to Defendant at the time of sentencing, and shall be made part of the sentence and included in the judgment.

Dated: January 7, 2021

/s/ Paul L. Maloney
PAUL L. MALONEY
United States District Judge